

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In the Matter of:

Melissa Ann Rice  
5730 S. Posey Lake Hwy  
Belleville, MI 48111  
SSN: XXX-XX-2481

Chapter 7  
Case No. 16-57092  
Judge Maria L. Oxholm

Debtor(s).

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**THE DEBTOR'S MOTION TO CONVERT HER CHAPTER 7  
CASE TO A CHAPTER 13 CASE**

The Debtor, through the undersigned counsel, asks the Court to issue an order converting the above-captioned Chapter 7 case to a case under Chapter 13 of the Bankruptcy Code.

Respectfully submitted,

/s/ William C. Babut

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William C. Babut  
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**BRIEF IN SUPPORT OF THE DEBTOR'S MOTION**

The above-captioned Motion is made pursuant to 11 U.S.C. Section 706, allowing the Debtor to convert at any time. This case has not been previously converted from a Chapter 13 or 11. The Debtor is eligible to be a Debtor under Chapter 13 [but not under Chapter 7].

The Chapter 7 was filed as an emergency on December 22, 2016. The Debtor was fearful of collection activity in relation to a lawsuit.

The case was filed shortly before the holidays where the Debtor's attorney Office shut down [as well as the Court].

At the time of the filing, the Debtor did not have all of her financial information available to her, and because of the holiday and the rushed filing,

there were some unintentional errors made in the initial paperwork. Specifically, an error was made on her Form 122A form that neither her nor her counsel discovered [A corrected form will be filed shortly].

Both the Debtor and her counsel believe this case should have been filed as a Chapter 13 because the Debtor is not eligible to be a Debtor under Chapter 7 based on household income.

The Debtor would have corrected the error(s) sooner, but there was a temporary breakdown in communication between the Debtor and her attorney.

Respectfully submitted,

/s/ William C. Babut

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**ORDER CONVERTING DEBTOR'S CHAPTER 7  
PROCEEDING TO A CHAPTER 13 PROCEEDING**

This matter coming before the Court on the Debtor's Motion to convert her Chapter 7 case to a Chapter 13 Case; no parties having objected to the terms herein; and the Court being otherwise sufficiently advised in the matter:

**IT IS HEREBY ORDERED** the Debtor's case is converted to Chapter 13.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT  
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**NOTICE OF THE DEBTOR'S MOTION TO CONVERT HIS CHAPTER 7  
CASE TO A CHAPTER 13 CASE**

The Debtor has filed papers with the court to convert her Chapter 7 case to a Chapter 13 case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Debtor's motion, or if you want the court to consider your views on the Motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:<sup>1</sup>

**United States Bankruptcy Court**  
211 West Fort Street  
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Thomas H. Paluchniak  
Babut Law Offices PLLC  
700 Towner Street  
Ypsilanti, MI 48198

Timothy Miller  
64541 Van Dyke Road, Suite 101-B  
Washington, MI 48095

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

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<sup>1</sup> Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 03/21/2017

**/s/ William C. Babut**  
Signature \_\_\_\_\_  
William C. Babut  
Babut Law Offices PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2017, a copy of the Debtor's Motion to Convert her Chapter 7 case to a Chapter 13 Case, Exhibit 1 [proposed Order], Exhibit 2 [Notice of Motion and Opportunity to Object], Exhibit 3 [Brief], and Exhibit 4 [Certificate of Service] were served electronically or by regular United States mail to all interested parties, the US Trustee, the Chapter 7 Trustee, and all creditors listed below.

12th District Court

Aams Llc

Aams Llc

Aams Llc

Accelerated Rehabilitation Centers

Ali & Simr Bayz

Ally Financial

ATT Midwest

Bixby Hospital

Bk Of Amer

Chemical Bank & Trust

Citi

Cp Federal Credit Unio

Credit Adjustments Inc

Credit Adjustments, Inc.

Credit Union One

Esb/harley Davidson Cr

Frontier Comm Mid South

Gmac Mortgage

Grant, Millman & Johnson, PC

Huron Valley Radiology

I C System Inc

Lane Animal Hospital

LJ Ross

Midwest Receivable Sol

Nelnet Lns  
Northstar Location  
PCS  
Promedica  
St. Joseph Mercy  
St. Joseph Mercy Chelsea Hospital  
State of Michigan  
Synch/old Navy  
U of M Health  
Universal Credit Services  
Vital Recovery Services, Inc.  
Weltman, Weinberg & Reis  
Bank of America  
Comenity Bank  
Discover  
Janet Parris  
Kenecta Federal CU  
LendingClub  
Ocwen Loan Servicing  
Prosper  
Sam's Club  
SoFi  
US Bank

/s/ Kim Justice

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